

**SUPREME COURT MINUTES
WEDNESDAY, AUGUST 31, 2005
SAN FRANCISCO, CALIFORNIA**

S126182

F042592 Fifth Appellate District

PEOPLE v. BLACK (KEVIN M.)

Rehearing denied

Request for judicial notice granted.

Request for modification denied.

Petition for rehearing DENIED.

Kennard, J., is of the opinion the petition should be granted.

S135263A107686 First Appellate District,
Division Four

P. (JAIME), IN RE

Petition for review granted

Votes: George, C.J., Kennard, Baxter,
Werdegar, Chin, and Moreno, JJ.

S134300

C041603 Third Appellate District

CALIFORNIA EARTH CORPS v. CALIFORNIA
STATE LANDS COMM. (DEVELOPERS)

Additional issues ordered

The parties are directed to brief the following additional issue: Does Public Resources Code section 6307 permit an exchange of land only when the exchange will serve any of the trust purposes designated in the statute with respect to the land that is currently subject to the public trust, or does the statute also permit an exchange when the exchange will serve any of the designated purposes with respect to the land that is to be acquired and that will become subject to the public trust as a result of the exchange?

S135104G033868 Fourth Appellate District,
Division Three

COHEN v. HEALTH NET

Review granted/briefing deferred (rule 29.1)

Request for judicial notice granted.

Petition for review GRANTED.

Further action in this matter is deferred pending consideration and disposition of a related issue in *Branick v. Downey Savings and*

Loan, S132433 and *Californians for Disability Rights v. Mervyn's*, S131798 (see Cal. Rules of Court, rule 28.2(d)(2)), or pending further order of the court. Submission of additional briefing, pursuant to California Rules of Court, rule 29.1, is deferred pending further order of the court.

Votes: George, C.J., Kennard, Baxter, Werdegarr, Chin, and Moreno, JJ.

S135834

A109985 First Appellate District,
Division Two

ODLE v. S.C. (PEOPLE)

Review granted; transferred to CA 1/2 to issue OSC

Petition for review GRANTED.

The matter is transferred to the Court of Appeal, First Appellate District, Division Two, with directions to vacate its order denying prohibition/mandate and to issue an order directing respondent court to show cause why the relief sought in the petition should not be granted. Pending further order of the Court of Appeal, the competency hearing ordered on March 4, 2005 by the Contra Costa County Superior Court in *People v. James Richard Odle*, No. 24580, is hereby stayed.

Votes: George, C.J., Kennard, Werdegarr, and Moreno, JJ.

S119334

B169805 Second Appellate District,
Division Five

GENTRY v. S.C. (CIRCUIT CITY STORES)

Transferred to CA 2/5 after hold

The above-entitled matter is transferred to the Court of Appeal, Second Appellate District, Division Five, with directions to vacate its decision and to reconsider the cause in light of *Discover Bank v. Superior Court* (2005) 36 Cal.4th 148. (Cal. Rules of Court, rule 29.3(d).)

Votes: George, C.J., Kennard, Baxter, Werdegarr, Chin, and Moreno, JJ.

S121572

A104640 First Appellate District,
Division Five

DISCOVER BANK v. S.C. (SHAKIB)

Dismissed per rule 29.3(b), and remanded to CA 1/5

In light of the decision in *Discover Bank v. Superior Court (Christopher Boehr)*, (2005) 36 Cal.4th 148, review in the above-entitled matter is dismissed. (Cal. Rules of Court, rule 29.3(b).)

Votes: George, C.J., Kennard, Werdegar, and Moreno, JJ.

S132199

SANTA MONICA BAYKEEPER v. ENERGY
RESOURCES CONSERVATION & DEV. COMM
Petition for writ of mandate/prohibition denied

S134290

E035435 Fourth Appellate District,
Division Two

PEOPLE v. RODRIGUEZ

Petition for review denied

S134524

B174733 Second Appellate District,
Division Six

MAIDA v. COUNTY OF SANTA BARBARA

Petition for review denied

S134746

B183214 Second Appellate District,
Division Eight

THOMAS (BRIAN W.) ON H.C.

Petition for review denied

S134782

B183402 Second Appellate District,
Division Seven

WITHERS (THORNTON) ON H.C.

Petition for review denied

S134787

H028824 Sixth Appellate District

SANCHEZ (RUBEN) ON H.C.

Petition for review denied

S134819

B183199 Second Appellate District,
Division Three

SALDANA (MIGUEL) ON H.C.

Petition for review denied

S134830
B181344 Second Appellate District,
Division Four

GARBUTT (DENNIS) ON H.C.
Petition for review denied

S134860
F047725 Fifth Appellate District

KEMP (JOHNNIE) ON H.C.
Petition for review denied

S134886
F045372 Fifth Appellate District

PEOPLE v. WHITNEY
Petition for review denied

Baxter, J., was recused and did not participate.

S134899
B182819 Second Appellate District,
Division Two

BAGNERISE (JOHN) ON H.C.
Petition for review denied

S134909
H028853 Sixth Appellate District

RAMOS (DANIEL) ON H.C.
Petition for review denied

S134915
A107559 First Appellate District,
Division One

PEOPLE v. PULIDO
Petition for review denied

S134916
F048066 Fifth Appellate District

HOSKINGS (JOHN) ON H.C.
Petition for review denied

S134928
A110322 First Appellate District,
Division One

PARKER (CLIFFORD) ON H.C.
Petition for review denied

S134960
F047822 Fifth Appellate District

THOMPSON (RODERICK K.) ON H.C.
Petition for review denied

S134995
A110416 First Appellate District,
Division Four

VONG (BINH) ON H.C.
Petition for review denied

S135001

B183192 Second Appellate District,
Division Eight

BARGE v. S.C. (AMALGAMATED BANK)

Petition for review denied

S135041

G032368 Fourth Appellate District,
Division Three

PEOPLE v. GARCIA

Petitions for review denied

S135045

G033268 Fourth Appellate District,
Division Three

PEOPLE v. BEJAR-VARGAS

Petition for review denied

S135049

B172479 Second Appellate District,
Division Three

PEOPLE v. SHAW

Petition for review denied

S135095

A105201 First Appellate District,
Division Three

MILLER v. MCGRATH STEEL COMPANY INC.

Petition for review denied

S135140

B175064 Second Appellate District,
Division Four

HARTZLER v. OLIVER PEOPLES, INC.

Petition for review denied

S135152

A104929 First Appellate District,
Division Three

PEOPLE v. CHATMON

Petition for review denied

S135161

C049909 Third Appellate District

PAYNE (GERALD J.) ON H.C.

Petition for review denied

S135188

D044294 Fourth Appellate District,
Division One

WOODRIDGE ESCONDIDO PROPERTY OWNERS
ASSN. v. NIELSON

Petition for review denied

S135193

F044115 Fifth Appellate District

PEOPLE v. JACOME

Petition for review denied

S135221

B172751 Second Appellate District,
B180491 Division Three

PEOPLE v. HATTEN (MARK R.)

Petition for review denied

S135223

B180491 Second Appellate District,
B172751 Division Three

HATTEN (MARK R.) ON H.C.

Petition for review denied

S135225

C045891 Third Appellate District

PEOPLE v. SMITH

Petition for review denied

S135226

C047338 Third Appellate District

PEOPLE v. CARDENAS

Petition for review denied

S135274

D044361 Fourth Appellate District,
Division One

ROGERS v. UNITED SERVICES AUTO. ASSOC.

Petition for review denied

S135303

A103397 First Appellate District,
Division One

PEOPLE v. KOR

Petition for review denied

S135304

F043947 Fifth Appellate District

PEOPLE v. OSBORN

Petition for review denied

S135314

B175322 Second Appellate District,
Division Eight

DUNN v. BLOSSOM DEVELOPMENT CORP.

Petition for review & publication request denied

S135316

B176009 Second Appellate District,
Division One

PEOPLE v. BRAMBILA

Petition for review denied

S135328

G033258 Fourth Appellate District,
Division Three

FRIEDMAN PROFESSIONAL MANAGEMENT v.
BLUE SHIELD OF CALIF. (HAMEL)

Petition for review denied

S135330

D043523 Fourth Appellate District,
Division One

PEOPLE v. ARMITAGE

Petition for review denied

S135335

B183615 Second Appellate District,
Division One

HERNANDEZ (SALVADOR) ON H.C.

Petition for review denied

S135340

D042164 Fourth Appellate District,
Division One

GRAHAM v. CITY OF SAN DIEGO

Petition for review denied

S135356

F042190 Fifth Appellate District

PEOPLE v. SINGANONH

Petition for review denied

Baxter, J., was recused and did not participate.

S135368

C049984 Third Appellate District

VANG (KOUA) ON H.C.

Petition for review denied

S135387

B173679 Second Appellate District,
Division Five

PEOPLE v. BROWNRIDGE

Petitions for review denied

S135398

A108052 First Appellate District,
Division One

HOFFMAN v. COUNTY OF SAN MATEO

Petition for review denied

S135399

F043986 Fifth Appellate District

PEOPLE v. VARGAS

Petition for review denied

S135425

B169152 Second Appellate District,
Division Four

PEOPLE v. HOLT

Petition for review denied

S135433

H024607 Sixth Appellate District

PEOPLE v. BREW

Petition for review denied

S135439

B183751 Second Appellate District,
Division Three

ALLEN v. S.C. (SPORT & FITNESS CLUBS)

Petition for review denied

S135466

B173342 Second Appellate District,
Division Eight

PEOPLE v. WILLIAMS

Petition for review denied

S135470

B176500 Second Appellate District,
Division Five

PEOPLE v. HART

Petition for review denied

S135531

B177353 Second Appellate District,
Division Six

SHEEHY ROAD WATER SYSTEMS v. PIRGHAIBI

Petition for review denied

S135545

H027866 Sixth Appellate District

ASTER, MARRIAGE OF

Petition for review denied

S135581

H027772 Sixth Appellate District

NEASMAN v. CLARKE

Petition for review denied

S135601

A107143 First Appellate District,
Division Two

SMITH v. PRINTZ

Petition for review denied

S135604

A106627 First Appellate District,
Division One

WALSH v. CRAWFORD

Petition for review denied

Request for judicial notice granted.

S135612

F046846 Fifth Appellate District

G. (J.), IN RE

Petition for review denied

S135617

C050106 Third Appellate District

ERVIN v. S.C. (CECIL)

Petition for review denied

S135648B177989 Second Appellate District,
Division Two

W. (JOSHUA), IN RE

Petition for review denied

S135652B174200 Second Appellate District,
Division Two

ALTWIJI v. THOMAS

Petition for review denied

S135693A107685 First Appellate District,
Division Five

T. (RAYNA), IN RE

Petition for review denied

S135700G032844 Fourth Appellate District,
Division Three

PEOPLE v. SAADE

Petition for review denied

S135755

F045489 Fifth Appellate District

PEOPLE v. ANGUIANO

Petition for review denied

S135761E036965 Fourth Appellate District,
Division Two

PEOPLE v. CARREON

Petition for review denied

S135777

C046809 Third Appellate District

BERG v. DAVI

Petition for review denied

S135782E037739 Fourth Appellate District,
Division Two

LOCKHEED MARTIN CORP v. S.C. (BRADFORD)

Petition for review denied

S135786

F046060 Fifth Appellate District

PEOPLE v. GOAD

Petition for review denied

S135787

H028245 Sixth Appellate District

PEOPLE v. MARKRELL

Petition for review denied

S135789

A105752 First Appellate District,
Division Three

PEOPLE v. SCHEIN

Petition for review denied

S135801

B176371 Second Appellate District,
Division One

PEOPLE v. ARTIAGA

Petition for review denied

S135804

B174655 Second Appellate District,
Division Five

PEOPLE v. FOUNTAIN

Petition for review denied

S135806

B175493 Second Appellate District,
Division Six

PEOPLE v. ESTRADA

Petition for review denied

S135809

E037304 Fourth Appellate District,
Division Two

PEOPLE v. LEWIS

Petition for review denied

S135810

B173334 Second Appellate District,
Division Three

PEOPLE v. NGUYEN

Petition for review denied

S135813

D044560 Fourth Appellate District,
Division One

PEOPLE v. MORALES

Petition for review denied

S135814

C046365 Third Appellate District

PEOPLE v. HAMPTON

Petition for review denied

S135817

D045374 Fourth Appellate District,
Division One

CHAPMAN v. S.C. (MALCOLM)

Petition for review denied

S135818

B173995 Second Appellate District,
Division Two

PEOPLE v. NICKERSON

Petition for review denied

S135822

F044948 Fifth Appellate District

PEOPLE v. WHITE

Petition for review denied

S135824

C045747 Third Appellate District

PEOPLE v. ESPINOSA

Petition for review denied

S135831B174709 Second Appellate District,
Division Eight

PEOPLE v. STROTHER

Petition for review denied

S135833B177479 Second Appellate District,
Division Five

B. (CHANELLE), IN RE

Petition for review denied

S135837A107108 First Appellate District,
Division Four

PEOPLE v. MEHARY

Petition for review denied

S135842B171519 Second Appellate District,
Division Six

PEOPLE v. AGUERO

Petition for review denied

S135843A109077 First Appellate District,
Division One

MCCOLM v. GREENBAUM

Petition for review denied

S135856D043769 Fourth Appellate District,
D045716 Division One

PEOPLE v. BURNS

Petition for review denied

S135868B166784 Second Appellate District,
B181312 Division One

PEOPLE v. ROBINSON

Petition for review denied

S135874B173394 Second Appellate District,
B178959 Division Eight

PEOPLE v. CHARLES

Petitions for review denied

S135876

A107071 First Appellate District,
Division Two

G. (RAYMOND), IN RE
Petition for review denied

S135877

C046900 Third Appellate District

PEOPLE v. TAYLOR
Petition for review denied

S135879

C046261 Third Appellate District

PEOPLE v. CRAFT
Petition for review denied

S135881

B176151 Second Appellate District,
Division One

L.B. RESEARCH & EDUCATION FOUNDATION v.
THE UCLA FOUNDATION
Petition for review & depublication request denied

S135885

B179543 Second Appellate District,
Division Four

PEOPLE v. ALVARADO
Petition for review denied

S135890

A107798 First Appellate District,
Division Five

PEOPLE v. MELLOTT
Petition for review denied

S135892

B176100 Second Appellate District,
Division Four

PEOPLE v. BALLARD
Petition for review denied

S135894

B173376 Second Appellate District,
Division Seven

GRUNDFEST v. CEDARS SINAI MEDICAL
CENTER
Petition for review denied

S135899

D044945 Fourth Appellate District,
Division One

PEOPLE v. SCHMALDIENST
Petition for review denied

S135900

C046170 Third Appellate District

PEOPLE v. CARSON
Petition for review denied

S135902

E037392 Fourth Appellate District,
Division Two

SUES v. WARREN ANDERSON FORD, INC.

Petition for review denied

S135908

G034015 Fourth Appellate District,
Division Three

PEOPLE v. AYARS

Petition for review denied

S135910

E035705 Fourth Appellate District,
Division Two

PEOPLE v. MCDONALD

Petition for review denied

S135913

E035528 Fourth Appellate District,
Division Two

PEOPLE v. JONES

Petition for review denied

S135917

C045591 Third Appellate District

PEOPLE v. OLSON

Petition for review denied

S135921

E036229 Fourth Appellate District,
Division Two

PEOPLE v. NADAULD

Petition for review denied

S135930

B175194 Second Appellate District,
Division Five

RAFIE v. ALLENSWORTH

Petition for review denied

S135933

B173819 Second Appellate District,
Division One

PEOPLE v. JUAREZ

Petition for review denied

S135937

G034130 Fourth Appellate District,
Division Three

PEOPLE v. CASTILLO

Petition for review denied

S135939

B165376 Second Appellate District,
Division Four

MARS v. COUNTY OF LOS ANGELES

Petition for review denied

S135942

G033189 Fourth Appellate District,
Division Three

PEOPLE v. JIMENEZ

Petition for review denied

S135946

G032665 Fourth Appellate District,
Division Three

PEOPLE v. BELLO

Petition for review denied

S135956

B178110 Second Appellate District,
Division Three

PEOPLE v. BAILEY

Petition for review denied

S135957

G034110 Fourth Appellate District,
Division Three

PEOPLE v. CARDENAS

Petition for review denied

S135959

A110654 First Appellate District,
Division Two

HARWOOD v. S.C. (PEOPLE)

Petition for review denied

S135960

B170416 Second Appellate District,
Division Four

PEOPLE v. MEDRANO

Petition for review denied

S135973

C047432 Third Appellate District

PEOPLE v. PERSON

Petition for review denied

S135974

H027528 Sixth Appellate District

PEOPLE v. BRADFORD

Petition for review denied

S135976

F044723 Fifth Appellate District

PEOPLE v. WATTS

Petition for review denied

S135993

B176040 Second Appellate District,
Division Six

PEOPLE v. AVALOS

Petition for review denied

S135994B172094 Second Appellate District,
Division Five

PEOPLE v. GUTIERREZ

Petition for review denied

S136420

LUCAS v. LONG BEACH POLICE DEPARTMENT

Petition for writ of mandate/prohibition denied

S136469

H029065 Sixth Appellate District

JOHNSON v. S.C. (THE PEOPLE)

Application for stay and petition for review denied

S136560

C048303 Third Appellate District

CAMPAIGN FOR CALIFORNIA FAMILIES v.

SHELLEY, AS SECTY OF STATE

Application to transfer denied

Application to appear as counsel pro hac vice
granted.

The motion to transfer the appeal now pending
in the Court of Appeal to this court is denied.

S136787

C050528 Third Appellate District

BRIDGEMAN v. MCPHERSON

Application to transfer denied

Application to transfer DENIED. This court's
order in *Bridgeman v. Shelley* (S128311), filed
October 15, 2004, ordering the Secretary of
State to show cause before the Sacramento
Superior Court, constituted a transfer of the
proceeding to the superior court for all purposes,
and the Court of Appeal accordingly has
jurisdiction of the appeal from the ensuing
judgment of the superior court.

S123346

MORRIS (ROBERT) ON H.C.

Petition for writ of habeas corpus denied

S124623

DAVIS (JOSEPH W.) ON H.C.

Petition for writ of habeas corpus denied

S124639

ANNIN (RAYMOND) ON H.C.

Petition for writ of habeas corpus denied

S124929

GAMBLE (KIM L.) ON H.C.
Petition for writ of habeas corpus denied

S125688

HOAC (QUOC CHI) ON H.C.
Petition for writ of habeas corpus denied on the merits.

S126878

TRACCHIA (GLENN M.) ON H.C.
Petition for writ of habeas corpus denied

S126952

LEWIS (JOHN WADE) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Dannenberg* (2005) 34 Cal.4th 1061; *In re Rosenkrantz* (2002) 29 Cal.4th 616; *People v. Duvall* (1995) 9 Cal.4th 464, 474; *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Waltreus* (1965) 62 Cal.2d 218; *In re Swain* (1949) 34 Cal.2d 300, 304.)

S127009

CONLEY (TERRANCE) ON H.C.
Petition for writ of habeas corpus denied

S127087

LEON (NEIL A.) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Dannenberg* (2005) 34 Cal.4th 1061; *In re Rosenkrantz* (2002) 29 Cal.4th 616; *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Waltreus* (1965) 62 Cal.2d 218; *In re Dixon* (1953) 41 Cal.2d 756; *In re Swain* (1949) 34 Cal.2d 300, 304; *In re Lindley* (1947) 29 Cal.2d 709.)

S127197

CORDAR (DARRELL J.) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Dannenberg* (2005) 34 Cal.4th 1061; *In re Rosenkrantz* (2002) 29 Cal.4th 616.)

S127225

HOWARD (HARRY) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Robbins* (1998) 18 Cal.4th 770, 780;
In re Swain (1949) 34 Cal.2d 300, 304; *People*
v. Duvall (1995) 9 Cal.4th 464, 474; *In re*
Lessard (1965) 62 Cal.2d 497, 503.)

S127494

MCINTYRE (JONATHAN) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Dannenberg* (2005) 34 Cal.4th 1061;
In re Rosenkrantz (2002) 29 Cal.4th 616.)

S127544

TAYLOR (RALPH A.) ON H.C.
Petition for writ of habeas corpus denied

S127789

GAUL (PAUL) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Dannenberg* (2005) 34 Cal.4th 1061;
In re Rosenkrantz (2002) 29 Cal.4th 616.)

S127883

ESPINOZA (ALFRED) ON H.C.
Petition for writ of habeas corpus denied

S128098

BROWN (DAVID C.) ON H.C.
Petition for writ of habeas corpus denied

S128166

WENZEL (LEOPOLD) ON H.C.
Petition for writ of habeas corpus denied

S128320

OLOBA-AISONY (ADEKUNLE) ON H.C.
Petition for writ of habeas corpus denied

S128335

HUBBARD (STEPHEN) ON H.C.
Petition for writ of habeas corpus denied

S128352

LOR (CHOR BOLO) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Dixon* (1953) 41 Cal.2d 756; *In re Lindley* (1947) 29 Cal.2d 709; *In re Waltreus* (1965) 62 Cal.2d 218; *In re Swain* (1949) 34 Cal.2d 300, 304.)

S128360

GARCIA (LARRY) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Robbins* (1998) 18 Cal.4th 770, 780.)

S128361

DEWEESE (DANA) ON H.C.
Petition for writ of habeas corpus denied

(See *People v. Black* (2005) 35 Cal.4th 1238.)

S128376

EISIMINGER (WESLEY) ON H.C.
Petition for writ of habeas corpus denied

S128385

COTA (JEFFREY D.) ON H.C.
Petition for writ of habeas corpus denied

S128399

MARTINEZ (RONALD F.) ON H.C.
Petition for writ of habeas corpus denied

S128522

LANE (MICHAEL A.) ON H.C.
Petition for writ of habeas corpus denied

S128525

KOUIYOTH (CHANH) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re Robbins* (1998) 18 Cal.4th 770, 780.)

S128526

LEGREE (BENJAMIN) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Robbins* (1998) 18 Cal.4th 770, 780.)

S128527

ORTEGA (ERASMO) ON H.C.
Petition for writ of habeas corpus denied

S128528

HENNIG (CHARITIE) ON H.C.
Petition for writ of habeas corpus denied

S128529

WISEMAN (JAMES W.) ON H.C.
Petition for writ of habeas corpus denied

S128531

YBARRA (JOAQUIN) ON H.C.
Petition for writ of habeas corpus denied

S128534

REYES (MELCHOR) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Robbins* (1998) 18 Cal.4th 770, 780.)

S128536

VILLESCAS (ALBERTO) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Dixon* (1953) 41 Cal.2d 756.)

S128538

SUNIGA (ALEX H.) ON H.C.
Petition for writ of habeas corpus denied

S128562

HERNANDEZ (MARIO) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Waltreus* (1965) 62 Cal.2d 218.)

S128580

FUNTANILLA (GREGORIO) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Miller* (1941) 17 Cal.2d 734; *In re Dexter* (1979) 25 Cal.3d 921.)

S128589

ANDERSON (JOHN C.) ON H.C.
Petition for writ of habeas corpus denied

S128591

TRILLO (JESSE A.) ON H.C.
Petition for writ of habeas corpus denied

S128594

JACOBS (SHANNON) ON H.C.
Petition for writ of habeas corpus denied

S128616

WILLIAMS (ARASHEIK) ON H.C.
Petition for writ of habeas corpus denied

S128618

DAWKINS (DOUGLAS L.) ON H.C.
Petition for writ of habeas corpus denied

S128629

RUST (FRANK) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Robbins* (1998) 18 Cal.4th 770, 780;
In re Clark (1993) 5 Cal.4th 750; *In re Waltreus*
(1965) 62 Cal.2d 218; *In re Swain* (1949) 34
Cal.2d 300, 304; *People v. Duvall* (1995) 9
Cal.4th 464, 474.)

S128636

KNESS (ALLEN R.) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Waltreus* (1965) 62 Cal.2d 218; *In re*
Swain (1949) 34 Cal.2d 300, 304.)

S128647

MCKINNEY (ALONZO) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Robbins* (1998) 18 Cal.4th 770, 780.)

S128653

CAREY (KEITH) ON H.C.
Petition for writ of habeas corpus denied

S128677

AMAVISCA (ANTHONY) ON H.C.
Petition for writ of habeas corpus denied

S128680

VIZCAINO (GUSTAVO) ON H.C.
Petition for writ of habeas corpus denied

S128777

JACOBS (SHANNON) ON H.C.
Petition for writ of habeas corpus denied

S129630

MCKINNEY (ALONZO) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Miller* (1941) 17 Cal.2d 734; *In re Robbins* (1998) 18 Cal.4th 770, 780.)

S131134

WILSON (MELVIN L.) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Dexter* (1979) 25 Cal.3d 921.)

S131679

FUNTANILLA (GREGORIO) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Robbins* (1998) 18 Cal.4th 770, 780;
In re Dexter (1979) 25 Cal.3d 921.)

S132263

MORRIS (ROBERT) ON H.C.
Petition for writ of habeas corpus denied

S134662

VILLEGAS (ALFREDO) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Wessley W.* (1981) 125 Cal.App.3d
240, 246; *In re Azurin* (2001) 87 Cal.App.4th
20.)

S136007

ESPRITT (BRIAN) ON H.C.
Petition for writ of habeas corpus denied

S136053

FIFER (CURTIS EVERETT) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Waltreus* (1965) 62 Cal.2d 218; *In re Swain* (1949) 34 Cal.2d 300, 304; *People v. Duvall* (1995) 9 Cal.4th 464, 474.)

S136074

BROWN (RICHARD L.) ON H.C.
Petition for writ of habeas corpus denied

(See *People v. Black* (2005) 35 Cal.4th 1238, 1244.)

S136104

PEYTON (LEE) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Swain* (1949) 34 Cal.2d 300, 304; *People v. Duvall* (1995) 9 Cal.4th 464, 474.)

S136143

BOOCHEE (VINCENT) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Swain* (1949) 34 Cal.2d 300, 304; *People v. Duvall* (1995) 9 Cal.4th 464, 474; *In re Dexter* (1979) 25 Cal.3d 921.)

S136170

PEARSON (OSCAR M.) ON H.C.
Petition for writ of habeas corpus denied

S136449

LITMON (DAVID) ON H.C.
Petition for writ of habeas corpus denied

S134812

SALYER ON REINSTATEMENT
Order: (dispositive)

Upon petition for reinstatement and recommendation of the State Bar Court, it is ordered that MARK HAMILTON SALYER be reinstated as a member of the State Bar of

California upon his paying the fees and taking the oath required by law.

Because State Bar Court opinions are not published under the authority or regulation of the Supreme Court, the court declines to entertain the State Bar's "Request for Depublication" of the State Bar Court Review Department opinion in this matter. The Clerk of the Court is directed to return the "Request for Depublication" to the State Bar.

S135230

G034294 Fourth Appellate District,
Division Three

TRUONG v. ORANGE COUNTY SHERIFFS DEPT.
Depublication request denied (case closed)

S135395

A106959 First Appellate District,
Division Four

METCALF v. METALCLAD INSULATION
Publication request denied (case closed)

S136208

A105457 First Appellate District,
Division One

TRAVELERS CASUALTY & SURETY COMPANY v.
EMPLOYER INSURANCE OF WAUSAU
Depublication request denied (case closed)

S136610

H027848 Sixth Appellate District
H028006
H028022
H028070

BOARD OF PRISON TERMS v. S.C. (NGO)
Time extended for granting or denying review

on the court's own motion to November 2, 2005.
(Cal. Rules of Court, rule 28.2(c).)

S033149

PEOPLE v. WEAVER (LATWON R.)
Extension of time denied

The application of appellant for extension of time to serve and file appellant's opening brief is denied.

S058734

PEOPLE v. HOLMES, McCLAIN & NEWBORN
Extension of time granted

to November 7, 2005 to file appellant
HOLMES'S opening brief.

S077009

PEOPLE v. CARRASCO (ROBERT)

Extension of time granted

Appellant's request for relief from default for failure to file appellant's opening brief or timely motion for extension of time is granted.

On application of appellant and good cause appearing, it is ordered that the time to serve and file appellant's opening brief is extended to and including October 7, 2005.

S128442

G031061 Fourth Appellate District,
Division Three

PEOPLE v. WRIGHT

Extension of time granted

the time to serve and file appellant's answer brief on the merits is extended to October 3, 2005.

S132814

B163115 Second Appellate District,
Division Two

OAKLAND RAIDERS v. NATIONAL FOOTBALL

Extension of time granted

to November 21, 2005 for appellant to serve and file the answer brief on the merits.

S133794

B174826 Second Appellate District,
Division Four

PIONEER ELECTRONICS v. S.C. (OLMSTEAD)

Application to appear as counsel pro hac vice granted

S083446

PEOPLE v. WILSON (BRANDON)

Counsel appointment order filed

appointing Susan L. Wolk to represent appellant for the direct appeal.

S134557

B170749 Second Appellate District,
Division Four

PEOPLE v. ROSAS

Counsel appointment order filed

Susan Bauguess is hereby appointed to represent appellant on the appeal now pending in this court.

S062313

IN THE MATTER OF THE SUSPENSION
OF ATTORNEYS PURSUANT TO RULE 962,
CALIFORNIA RULES OF COURT
Order filed

Having been provided proof of compliance
pursuant to Family Code 17520, the
suspension of **Ricardo Lopez Mendoza,**
#129356, pursuant to our order filed on
July 1, 2005, is hereby terminated.
This order is final forthwith.

S130263

GAY (KENNETH) ON H.C.
Motion denied

Petitioner's "Motion for Expedited
Consideration and Summary Adjudication
Granting Motion for Writ of Habeas Corpus,"
filed December 28, 2004, is denied. Petitioner's
"Motion for Resolution of Motion for Expedited
Consideration and Summary Adjudication,"
filed July 19, 2005, is denied as moot.
George, C.J., was recused and did not
participate.

S135734

IN THE MATTER OF THE SUSPENSION
OF ATTORNEYS PURSUANT TO RULE 962,
CALIFORNIA RULES OF COURT
Orders filed

- (1) Having been provided proof of compliance
pursuant to Family Code 17520, the
suspension of **Leroy Allan Martin, #137619**,
pursuant to our order filed on July 21, 2005,
is hereby terminated.
This order is final forthwith.
- (2) Having been provided proof of compliance
pursuant to Family Code 17520, the
suspension of **John Royall Read III, # 51388**
pursuant to our order filed on July 21, 2005,
is hereby terminated.
This order is final forthwith.

S136733**KUMLEY ON RESIGNATION**

Resignation accepted with disc. proceeding pending

The voluntary resignation of **LLOYD SANBORN KUMLEY, State Bar No. 66499**, as a member of the State Bar of California is accepted without prejudice to further proceedings in any disciplinary proceeding pending against respondent should he hereafter seek reinstatement. It is ordered that he comply with rule 955 of the California Rules of Court and that he perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the date this order is filed.* Costs are awarded to the State Bar.

*(See Bus. & Prof. Code, § 6126, subd. (c).)

S136735**ROSATI ON RESIGNATION**

Resignation accepted with disc. proceeding pending

The voluntary resignation of **JOSEPH PAUL ROSATI, State Bar No. 116148**, as a member of the State Bar of California is accepted without prejudice to further proceedings in any disciplinary proceeding pending against respondent should he hereafter seek reinstatement. It is ordered that he comply with rule 955 of the California Rules of Court and that he perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the date this order is filed.* Costs are awarded to the State Bar.

*(See Bus. & Prof. Code, § 6126, subd. (c).)

Bar Misc. 4186**IN THE MATTER OF THE APPLICATION OF
THE COMMITTEE OF BAR EXAMINERS OF THE
STATE BAR OF CALIFORNIA FOR ADMISSION
OF ATTORNEYS**

The written motion of the Committee of Bar Examiners that the following named applicants, who have fulfilled the

requirements for admission to practice law in the State of California, be admitted to the practice of law in this state is hereby granted, with permission to the applicants to take the oath before a competent officer at another time and place:

(LIST OF NAMES ATTACHED TO ORIGINAL ORDER)

990015-05

THE HONORABLE PAUL H. COFFEE, Associate Justice of the Court of Appeal, Second Appellate District, Division Six, is hereby assigned to assist the Supreme Court of California, as a justice thereof, on August 29, 2005, and until completion and disposition of all causes and matters submitted pursuant to this assignment including, if necessary by reason of a vacancy or disqualification of a Supreme Court justice, petitions for rehearing arising out of such causes and matters.

**SUPREME COURT OF CALIFORNIA
ORAL ARGUMENT CALENDAR
SPECIAL SESSION — REDDING
OCTOBER 5, 2005**

The following cases are placed upon the calendar of the Supreme Court for a special session at the Redding City Hall, Council Chambers, 777 Cypress Avenue, Redding, California on October 5, 2005.

WEDNESDAY, OCTOBER 5, 2005 – 9:00 A.M.

Opening Remarks: Historic Special Session

S121009	People v. R. J. Reynolds Tobacco
S123074	People v. Smith (Jarmaal)
S040703	People v. Robinson (James) [Automatic Appeal]

2:00 P.M.

S118561	Kinsman v. Unocal Corp.
S117590	Barratt American v. City of Rancho Cucamonga

GEORGE
Chief Justice

Note: In light of the current vacancy on the California Supreme Court, a different justice of the Court of Appeal will be assigned to participate in each case scheduled for argument, pursuant to the court's established alphabetical rotational procedure. As soon as all such assignments have been finalized, an amended oral argument calendar will be issued setting forth the names of the assigned justices.

If exhibits are to be transmitted to this court, counsel must comply with rule 18(c) of the California Rules of Court.

